

Residential
Tenancies Branch

**Annual Report
2009**



**MINISTER OF
FAMILY SERVICES AND CONSUMER AFFAIRS**

Room 357
Legislative Building
Winnipeg, Manitoba CANADA
R3C 0V8

His Honour the Honourable Philip Lee, C.M., O.M.
Lieutenant Governor of Manitoba
Room 235, Legislative Building
Winnipeg, Manitoba
R3C 0V8

May It Please Your Honour:

I have the privilege of presenting for the information of your Honour, the Annual Report of the Residential Tenancies Branch on the administration of *The Residential Tenancies Act* for the year ending December 31, 2009.

Respectfully submitted,

Gord Mackintosh







Family Services and Consumer Affairs

Residential Tenancies Branch

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Honourable Gord Mackintosh
Minister of Family Services and Consumer Affairs
Room 357, Legislative Building
Winnipeg, Manitoba
R3C 0V8

Dear Sir:

I have the honour of submitting the Residential Tenancies Branch Annual Report on the administration of *The Residential Tenancies Act* for the year ending December 31, 2009.

Respectfully submitted,

Laura Gowerluk
Director
Residential Tenancies Branch



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INTRODUCTION

Role of the Residential Tenancies Branch

The Residential Tenancies Branch administers *The Residential Tenancies Act*, *The Life Leases Act* and *The Condominium Act*. The Branch operates three regional offices – Winnipeg, Brandon and Thompson.

The Residential Tenancies Branch:

- provides information to landlords, tenants and others on *The Residential Tenancies Act*, *The Life Leases Act* and *The Condominium Act*;
- investigates complaints of non-compliance with the legislation;
- mediates disputes between landlords and tenants;
- makes decisions on disputes between landlords and tenants about:
 - security deposits
 - repairs
 - terms and conditions of a tenancy agreement or life lease
 - the right to continue in occupancy
 - claims for compensation
 - privacy
 - non-payment of utilities
 - life lease entrance fees
- makes decisions on landlords' applications for rent increases above the guideline and tenants' objections to any rent increases
- reviews life lease rent increases (upon tenants' request).

The Residential Tenancies Act requires the Director of Residential Tenancies to submit a report on the administration of the *Act* to the Minister within six months of the end of each fiscal year. The reporting period for this report is the 2009 calendar year. Statistics for the 2008 calendar year are also provided, for purposes of comparison.

Activities/Highlights in 2009

- Significant amendments to *The Residential Tenancies Act* were approved by the legislature in 2009. The key changes are:
 - landlords will be allowed to collect a pet damage deposit when they choose to permit a tenant to keep a pet in a rental unit
 - the Branch will have the authority to deal with tenancy agreements under which services such as meals, laundry or housekeeping are provided by the landlord for a separate charge in addition to rent
 - the Branch will have clear authority to determine claims relating to a guarantor's liability under a guarantee agreement that relates to a residential tenancy agreement
 - the Branch will be able to impose administrative penalties on landlords and tenants for failing to comply with orders made under specified sections of the Act or for contravening those sections
 - provisions set out how landlords can discount rent if they are offering a rent discount to a new tenant after regaining possession of rental units in complexes with three or fewer units
 - the Branch can correct or amend typographical, numerical or other errors in their orders rather than requiring the parties to appeal the decision.
- Renting 101, a new feature geared to younger renters who might be looking for their first apartments or who have concerns about their first rentals, was introduced as part of the continued enhancement of the Branch's website. Visits to the website increased significantly in 2009 to 190,264 from 123,048 in 2008.
- Resolving disputes through mediation remains a priority for the Branch. In 2009, over 5,600 complaints were resolved informally. The Branch resolved an additional 2,653 disputes by issuing formal mediated agreements. Of those agreements, only 15% required the Branch to issue an order for enforcement.
- The Branch's caseload for non-rent regulation (Parts 1-8) matters increased in 2009 to 4,789 files from 4,596 in 2008.

- Demand for general information continues to be strong. The Branch's client services staff handled over 65,000 calls during the year and responded to more than 4,000 e-mail requests for information. The number of people visiting Branch offices to request information or file a formal complaint increased in 2009 to 8,287 from 5,958 in 2008.
- Focus on public education continued through presentations and information displays. The Branch made 121 presentations to 2,844 participants. The Branch also had displays at six events and had the opportunity to speak with approximately 1,500 people at these venues. Staff also held informal drop-in information sessions at a community service agency.
- There was increased outreach to new immigrants and agencies that work with these individuals. Some of the Branch's resource material has been translated into Punjabi and Tagalog.
- The Branch's newsletter, "Open Doors" is published quarterly. The subscriber list continues to grow. The newsletter is also available on the Branch's website.
- Consultation with stakeholders about issues affecting residential tenancies is ongoing.
- Review and refinement of business processes and technical solutions to improve service delivery continues.
- There was continued strong demand for rent status reports as many rental properties were sold to new owners. Anyone who is considering the purchase of a rental property can apply to the Branch for a rent status report. The report can alert prospective purchasers to potential rent increase problems because it provides information on a property's rent history. The Branch received 167 of these requests in 2009, up from 149 in the previous year.

- The Residential Tenancies' Orders System continues to be available online. The Orders System provides information on the orders the Branch issues, except for rent regulation orders. Clients can access the system by subscription or by individual search at Branch offices.
- The Branch continues to offer its Safety Net program. The program's main purpose is to help people with special needs who are being evicted. These include clients with mental or physical disabilities, the elderly and infirm, single parents or families with children. The Branch ensures that these tenants understand what is happening and connects them with social services agencies that can assist them. The program may also be used when a building is closed down by the health authorities.

INTRODUCTION

La Direction de la location à usage d'habitation administre les lois suivantes : *Loi sur la location à usage d'habitation*; *Loi sur les condominiums*, et *Loi sur les baux viagers*. La Direction gère trois bureaux régionaux – à Winnipeg, à Brandon et à Thompson.

Principales fonctions de la Direction :

- fournir de l'information sur les lois susmentionnées aux locateurs, aux locataires et à d'autres personnes;
- faire enquête à la suite de plaintes relatives à des infractions à la législation;
- assurer la médiation des litiges entre locateurs et locataires;
- rendre des décisions dans les cas de litiges concernant les droits et les obligations des locateurs et des locataires en matière de :
 - dépôts de garantie,
 - réparations,
 - conditions des baux ou des baux viagers,
 - droit d'occupation,
 - compensation,
 - respect de la vie privée,
 - non-paiement des services publics,
 - droits d'entrée relatifs aux baux viagers;
- rendre des décisions fondées sur l'examen des demandes d'augmentation de loyer supérieure à la ligne directrice et sur les motifs d'opposition des locataires à toute augmentation.
- enquêter sur les augmentations de loyer dans les logements locatifs à bail viager (à la demande des locataires).

La *Loi sur la location à usage d'habitation* exige du directeur de la location à usage d'habitation qu'il soumette au ministre un rapport sur l'administration de la *Loi* dans les six mois suivant la fin de chaque année. La période visée par le présent rapport est l'année civile 2009. Les statistiques de l'année civile 2008 sont également fournies lorsqu'elles sont disponibles, et ce, pour des fins de comparaison.

Activités et faits saillants en 2009

- L'Assemblée législative a approuvé d'importantes modifications à la *Loi sur la location à usage d'habitation* en 2009. Les modifications principales sont :
 - Les locateurs ont le droit d'exiger un dépôt pour les dommages attribuables à un animal de compagnie lorsqu'ils permettent à un locataire de garder un animal de compagnie dans une unité locative.
 - La Direction a le droit de s'occuper des conventions de location dans le cadre desquelles des services (p. ex. repas, services de buanderie, services d'entretien ménager) sont fournis par le locateur moyennant paiement de frais distincts s'ajoutant au loyer.
 - La Direction a une autorité bien définie pour traiter les réclamations relatives à la responsabilité d'un garant dans le cadre d'un accord de garantie ayant trait à une convention de location.
 - La Direction est autorisée à imposer des sanctions administratives aux locateurs et locataires qui ne respectent pas les ordres donnés en vertu de dispositions spécifiques de la *Loi* ou qui contreviennent à ces dispositions.
 - Les dispositions stipulant comment les locateurs peuvent offrir une remise de loyer à un nouveau locataire quand ils reprennent possession d'une unité locative située dans un ensemble résidentiel comptant un maximum de trois unités locatives.
 - La Direction peut corriger ou modifier une erreur typographique, numérique ou autre dans ses ordres au lieu d'exiger que les parties interjetent appel de la décision.
- Le lancement de « Location 101 », une nouveauté destinée aux jeunes locataires à la recherche d'un premier logement ou qui veulent obtenir de plus amples renseignements sur une première location. Cette fonction fait partie des améliorations continues apportées au site Web de la Direction. Il y a eu une nette augmentation des visites au site Web en 2009 (190 264 contre 123 048 en 2008).

- La résolution de conflits au moyen de la médiation demeure une priorité de la Direction. En 2009, plus de 5 600 plaintes ont été réglées sans formalités. La Direction a réglé 2 653 plaintes additionnelles au moyen d'ententes convenues par médiation. De ces ententes, seulement 15 % ont dû faire l'objet d'une ordonnance d'exécution délivrée par la Direction.
- La charge de travail de la Direction ayant trait aux parties 1 à 8 a augmenté pour atteindre un total de 4 789 dossiers, comparativement à 4 596 en 2008.
- La demande de renseignements généraux continue d'être très élevée. Le personnel de la Direction chargé des services à la clientèle a répondu à plus de 65 000 appels au cours de l'année, ainsi qu'à plus de 4 000 demandes d'information reçues par courriel. Le nombre de personnes qui se sont rendues dans les bureaux de la Direction pour obtenir des renseignements ou pour déposer une plainte officielle a également augmenté (8 287 visiteurs en 2009 contre 5 958 en 2008).
- La Direction continue de mettre l'accent sur l'éducation du public au moyen de présentations et d'affiches. Le personnel a fait 121 présentations à 2 844 participants. La Direction a également fait des expositions à l'occasion de six événements au cours desquels les membres du personnel ont pu s'entretenir avec environ 1 500 personnes. Le personnel a aussi organisé des séances d'information informelles auprès d'un organisme de services communautaires.
- La Direction a augmenté ses activités à l'intention des nouveaux immigrants et des organismes qui travaillent auprès d'eux. Diverses ressources de la Direction ont été traduites en punjabi et en tagalog.
- La Direction continue de publier son bulletin trimestriel « Portes ouvertes ». La liste des abonnés ne cesse de croître. Le bulletin est diffusé sur le site Web de la Direction.
- La Direction poursuit ses consultations avec les intervenants à propos des questions ayant une incidence sur les locations à usage d'habitation.

- La Direction continue d'examiner et de simplifier ses processus opérationnels et solutions techniques pour améliorer la prestation des services.
- La Direction continue d'enregistrer une forte demande de rapports sur les antécédents en matière de loyer car de nombreux immeubles à usage locatifs ont été vendus à de nouveaux propriétaires. Les personnes qui songent à acheter un immeuble à usage locatif peuvent demander à la Direction de leur fournir un rapport sur les antécédents en matière de loyer. Ce rapport donne des détails relativement aux loyers dans un bien locatif et peut alerter les acheteurs potentiels en cas de problèmes liés à l'augmentation des loyers. La Direction a reçu 167 demandes de rapports sur les antécédents en matière de loyer en 2009, une augmentation par rapport aux 149 demandes reçues l'année précédente.
- Le Registre des décisions en matière de location à usage d'habitation continue d'être disponible en ligne. Le Registre fournit de l'information sur les décisions de la Direction, sauf en ce qui concerne les décisions relatives à la réglementation sur les loyers. Les clients peuvent accéder à ce système par abonnement ou par une recherche individuelle dans les bureaux de la Direction.
- La Direction offre toujours le Programme d'aide au relogement. Le but principal du programme est d'aider les personnes ayant des besoins spéciaux qui se font expulser. Cela comprend les clients souffrant d'une incapacité mentale ou physique, les personnes âgées et les infirmes, les chefs de famille monoparentale et les familles avec des enfants. La Direction veille à ce que ces locataires comprennent la situation et les met en relation avec les organismes de services sociaux qui peuvent les aider. Les locataires peuvent également avoir recours à ce programme quand un immeuble est fermé par les autorités sanitaires.

PARTS 1 – 8 OF THE RESIDENTIAL TENANCIES ACT

Parts 1 - 8 of *The Residential Tenancies Act* deal with all residential landlord and tenant matters, except rent regulation. Table 1 provides a statistical summary of the case activity of the Residential Tenancies Branch under Parts 1 – 8 of the legislation. The Branch opened 4,789 cases in the 2009 calendar year. A total of 4,440 cases were closed during 2009.

Mediation

The Branch is dedicated to fulfilling its mandate to assist landlords and tenants in resolving disputes while preserving their ongoing relationships with one another. The Branch continues to focus on informal dispute resolution. When a client comes to or calls the Branch for assistance in resolving a dispute, they first speak with a Client Services Officer (CSO). After listening to the client's concerns, the CSO provides the necessary information and, if appropriate, offers to contact the other party to help resolve the dispute. Many disputes are settled in this way, without a case file being opened. This approach reduces the Branch's case count, but provides clients with improved service. In 2009, 5,606 matters were resolved this way. (See Table 2 – *Intakes Resolved*)

While many disputes are resolved by informal mediation, a total of 2,653 were resolved by written, mediated agreements. If an agreement is not fulfilled the Branch issues a certified order based on the agreement. Of the mediated agreements issued by the Branch, 85% did not require any further involvement and are presumed to have been honoured by the parties.

Orders of Possession

In 2009, the Branch received 1,719 applications for orders of possession from landlords. An order of possession is a written order the Branch issues to enforce a notice of termination. The Branch always schedules a hearing to consider an application for an order of possession. The Branch has performance targets for closing order of possession cases. The target for issuing these decisions is within three working days of the hearing.

In 2009, the Branch met its target in most cases. The Branch resolved 572 of these applications through mediation. The Branch issued 779 decisions on applications for an order of possession. In 618 cases, the Branch granted the landlord an order of possession.

In 13 other cases, the Branch identified a condition that the tenant had to meet to remain in tenancy. If the tenant failed to meet the condition, the order of possession was granted. For example: A conditional order of possession might require a tenant to pay a specific amount by a specified date, otherwise they must move out. The Branch denied 148 applications for an order of possession. In some cases, the tenant moved before the date of the hearing, but the landlord asked the Branch to determine the claim for compensation included in the application. The remaining applications were withdrawn or settled by the parties before the hearing.

Claims for Compensation

In 2009, landlords and tenants filed 1,506 claims for compensation with the Branch. Landlords' claims against tenants most often relate to outstanding rent, the cost of repairing damage and extraordinary costs to clean units after tenants move out. Tenants' claims usually deal with damage to personal belongings and compensation for loss of use of part of a rental unit. The Branch closed 1,317 of these cases in 2009. The Branch resolved 321 of these cases through mediation. In 670 cases, the Branch issued an order after considering the merits of the claim. An additional 209 claims were withdrawn by the applicant before the scheduled hearing. In 90 cases, no one attended the hearing and 27 cases were converted to another type of hearing claim. The performance target for issuing compensation claim decisions is within ten working days of the hearing date. During 2009, the Branch's average time for issuing these decisions was 17.4 days.

Hearings

In total, in 2009, the Branch held 1,451 hearings to resolve disputes between landlords and tenants on claims for compensation, orders of possession and to determine questions under *The Residential Tenancies Act*.

Repairs/Utilities/Other Obligations

In 2009, the Branch resolved 685 cases regarding landlords' obligation to repair and maintain rental units and 148 cases relating to landlords' non-payment of utilities. If there is a dispute over a notice to terminate a tenancy, either a landlord or tenant can ask the

Branch for assistance. In 2009, the Branch formally resolved 9 of these cases. The Branch also dealt with other cases where a landlord or a tenant did not meet their obligations under *The Residential Tenancies Act*. These cases include disputes over locks and doors, privacy, seizure of tenant's property, withholding of services, unauthorized charges or fees, tenancy agreements, assignment and subletting, mobile home rentals, abandonment of personal property and entitlement to collect rent. In 2009, the Branch formally opened 58 and closed 61 of these cases.

TABLE 1 – Cases Opened and Closed
Parts 1 - 8 of *The Residential Tenancies Act*

Case Types	Cases Opened January 1/08 – December 31/08	Cases Opened January 1/09 – December 31/09	Cases Closed January 1/08 – December 31/08	Cases Closed January 1/09 – December 31/09	Appeals to Commission
Abandoned Personal Property	18	13	19	13	1
Disputes					
• Determination ¹	0	1	1	1	0
• Tenancy Agreement	2	2	4	3	0
• Landlord Obligation	5	4	6	4	0
• Tenant Obligation	8	11	7	11	0
• Mutual Obligation	2	1	2	1	0
• Notice of Termination	12	9	13	9	0
• Other	2	2	2	3	0
Distrain & Lockout	21	24	23	25	2
Hearing Applications					
• Claim	1,143	1,506	1,171	1,317	164
• Order of Possession	1,846	1,719	1,853	1,684	179
• Determination ¹	59	39	65	37	10
Repairs	716	680	705	685	23
Security Deposit or Less	472	483	501	398	25
Utilities	186	199	181	148	9
Enforcement	104	96	110	101	2
TOTALS	4,596	4,789	4,663	4,440	415

1. Landlords and tenants can apply to the Branch for a determination of a question arising under Parts 1 – 8 of *The Residential Tenancies Act* or *The Life Leases Act*.

TABLE 2
DISPUTE RESOLUTION ACTIVITIES
Parts 1 – 8 The Residential Tenancies Act

Activity	Reporting Period January 1/08 to December 31/08	Reporting Period January 1/09 to December 31/09
Intakes Resolved ₁	5,310	5,606
Mediated Agreements Issued	2,773	2,653
Mediated Agreements – Defaulted ₂	379	406
Substitutional Service ₃	335	342
Hearings ₄	1,557	1,451

1. A client's request for assistance that does not result in a formal case file being opened. Most are resolved informally at the first stage of contact.
2. If a written mediated agreement is not fulfilled, the Branch issues a certified order based on the agreement.
3. Occasionally when a landlord or a tenant files a claim or application for an order of possession, they are unable to serve the other person with the notice of the hearing by personal service or registered mail. When this happens, they can apply to the Branch for permission to serve the document in some other way (e.g. regular mail, notice in a newspaper).
4. For Hearings, the number shown represents the number of hearings conducted. Many hearing applications are resolved by the Branch by mediation or withdrawn by the applicant before the date of the hearing.

PART 9 OF THE RESIDENTIAL TENANCIES ACT

Applications/Objections

Part 9 of *The Residential Tenancies Act* deals with the regulation of rents for residential premises. Each year the government sets an annual rent increase guideline. The guideline for 2009 was 2.5%. To increase rent above the guideline, a landlord must apply to the Residential Tenancies Branch. In 2009, the Branch received 328 applications to increase rent above the guideline affecting 19,041 units (Table 3). During the 2009 calendar year, the Branch made decisions regarding applications for 283 buildings affecting 17,823 units.

The Branch introduced a new case management system in 2007 as part of its reengineering project. During the project, the Branch temporarily reset the standards for completing work on applications for rent increase above the guideline. The interim target was to issue a decision within six months of the date the Branch received the application. In 2009, the Branch continued to make adjustments to the case management system. For this reason, the interim target remained in effect. During the reporting period, the Branch closed 84% of these cases within six months.

Tenants can object to any rent increase, whether at, above or below the guideline. In 2009, the Branch received objections to rent increases at or below the guideline from tenants of 110 units and reviewed the objections on 121 units. This included some cases carried forward from 2008.

Under *The Residential Tenancies Act*, a landlord who plans to rehabilitate a residential complex may apply to the Branch for an exemption from rent regulation. If the Branch approves a rehabilitation scheme, it can exempt a complex from rent regulation for up to five years. The Branch issues final orders setting the exemption period once the landlord has completed the work required for the rehabilitation scheme. In 2009, the Branch received applications for 50 buildings affecting 1,793 units. The Branch completed 44 rehabilitation applications affecting 925 units before year-end.

Landlords may also apply for approval of a rehabilitation scheme for a single unit. The program applies to units that have been voluntarily vacated by the previous tenant. To

qualify for approval, the rehabilitation must make major improvements that substantially increase the quality of the unit. If the Branch approves a rehabilitation scheme, it can exempt the unit from rent regulation for up to two years. The Branch issues a final order setting the exemption period once the landlord has completed the work. The Branch received 125 of these applications during 2009 and completed 132 before year-end. This included some cases carried forward from 2008.

Before withdrawing or reducing a service, a landlord must apply to the Branch for an order setting the value of the proposed withdrawal or reduction. An example of a withdrawal of service is when the responsibility for paying for cable service switches from the landlord of a building to each tenant. The landlord applies for an order fixing the value of the withdrawn service for each tenant. The tenant's rent is then reduced by that amount. In the 2009 calendar year, the Branch received 14 applications for withdrawal of service affecting 141 units. The Branch completed 17 applications affecting 391 units by year-end.

The Branch received 23 applications for laundry charge increase affecting 1,041 units in the 2009 calendar year. During 2009, the Branch completed 19 of these applications affecting 660 units.

A tenant can ask a landlord to provide an item or service that is not usually included in the rent. If a landlord wants to provide the item or service and charge for it, they must apply to the Branch. In 2009, the Branch received 76 of these tenant requested improvement applications, affecting 76 units. The Branch issued orders on 74 applications for tenant requested improvements involving 74 rental units by year-end.

Certain sections of Part 9 of *The Residential Tenancies Act* also apply to life lease complexes. Tenants living in non-profit complexes can ask the Branch to review rent increases proposed by the landlord. During 2009 the Branch received six of these requests and processed seven.

Unauthorized Rent Increases

In the calendar year 2009, the Branch opened compliance cases affecting 4,434 units. Compliance cases usually involve situations where a landlord increases rent: by more than the annual rent increase guideline without applying to the Branch; without giving tenants

the required notice; or, more than once in a 12 month period. The number of cases opened in 2009 was unusually high due to extenuating circumstances. (see Table 3 note) The Branch completed its review of compliance cases affecting 2,504 rental units by year-end.

Rent Status Reports

Anyone who is considering the purchase of a rental property can apply, with the consent of the rental property owner, to the Residential Tenancies Branch for a rent status report. A rent status report provides information on a property's rent history and can alert people to potential rent increase problems. The application and authorization forms can be downloaded from the Branch's website. In 2009, the Branch completed 161 applications for Rent Status Reports. These applications involved 6,717 rental units.

TABLE 3 – CASES OPENED AND CLOSED

Part 9 of *The Residential Tenancies Act*

Case Types	Cases Opened January 1, 2008 – December 31, 2008		Cases Opened January 1, 2009 – December 31, 2009		Cases Closed January 1, 2008 – December 31, 2008		Cases Closed January 1, 2009 – December 31, 2009		Appeals to Commission	
	Bldgs.	Units	Bldgs.	Units	Bldgs.	Units	Bldgs.	Units	Bldgs.	Units
Application for Laundry Increase	12	403	23	1,041	11	375	19	660	1	2
Application for Rehabilitation – Whole Complex	53	1,306	50	1,793	10	330	44	925	4	15
Application for Rehabilitation – Specified Unit	146	146	125	125	117	117	132	132	0	0
Application for Rent Increase	286	18,213	328	19,041	274	14,573	283	17,823	86	1,202
Application for Service Withdrawal	18	789	14	141	17	647	17	391	1	23
Application for Tenant Request for Improvements	38	38	76	76	38	38	74	74	0	0
Compliance ¹	353	969	1,376	4,434	305	646	998	2,504	1	2
Life Lease – Request for Rent Review ²	7	341	6	177	4	186	7	271	0	0
Rent Status Reports	149	5,289	167	6,972	130	3,691	161	6,717	N/A	N/A
Tenant Objection to Guideline Increase or Less	111	111	110	110	145	145	121	121	1	1
TOTALS	1,173	27,605	2,275	33,910	1,051	20,748	1,856	29,618	94	1,245

1. The electronic validation of rent increase notices' system became fully operational in 2009.

2. Request for Review was added to the Table for 2009; the figure for 2008 has been included for comparison.

TABLE 4**ORDERS ISSUED BY TYPE**

	<u>January 1, 2008 – December 31, 2008</u>	<u>January 1, 2009 – December 31, 2009</u>
Compensation Claim (1)	1,512	1,426
Determination (2)	48	24
Mediated Agreement Default	379	406
Order of Possession		
Granted	701	618
Denied	133	148
Conditional (3)	34	13
Rent Redirect (4)	489	942
Rent Regulation	15,837	20,402
Repairs		
Order to Repair	249	244
Closing Order (5)	52	15
Security Deposit (6)	183	161
Utilities	171	141
Other (7)	<u>20</u>	<u>12</u>
TOTAL	<u>19,808</u>	<u>24,552</u>

- (1) A Compensation Claim Order is issued following a hearing where the Branch hears submissions and evidence regarding a claim filed by a landlord or a tenant. This figure includes Orders issued on compensation claims that are part of applications for an Order of Possession. When the Branch grants an Order of Possession, it often issues a second Order regarding the claim for compensation.
- (2) Decisions issued in response to questions arising under Parts 1 – 8 of *The Residential Tenancies Act* or *The Life Leases Act*.
- (3) A Conditional Order of Possession is one that requires the tenant to meet certain conditions. If they do not comply, the Order of Possession is granted.
- (4) The Branch orders tenants to pay rent to the Branch to pay for repairs or utility bills and to enforce orders to refund security deposits or rent overpayments. In 2009, the Branch issued significantly more rent redirect orders than in 2008. This was attributable to an increase in the number of cases relating to landlords' non-payment of utilities.
- (5) A Closing order is issued to prevent a landlord from re-renting a vacant unit before completing certain repairs. The landlord was previously ordered to make the repairs by the Branch or other government authority.
- (6) This number shows only those cases where the claim was limited to the amount of the security deposit or less.
- (7) Other includes orders relating to abandonments and seizure of tenants' belongings.

INFORMATION/EDUCATION ACTIVITIES

Telephone Calls/Interviews

The Branch has an Interactive Voice Response System. This service is available for callers to the Winnipeg general information line as well as to people calling on the toll-free number. Callers may choose to:

- speak to a Client Services Officer
- listen to recorded information segments about rent increases, security deposits, landlord and tenant responsibilities and repairs
- have fact sheet information automatically faxed to them
- calculate the interest payable on a security deposit
- listen to recorded information on the Branch's location and hours of business
- add their name to the mailing list for the Branch's newsletter.

In total, in 2009, the Branch handled 65,090 phone calls through its three regional offices. Of those, Client Services Officers in the Branch's Brandon and Thompson offices answered 6,490 calls directly. In Winnipeg, the Interactive Voice Response System (IVR) receives the calls first and distributes them according to the callers' specifications. Statistics show that 8,728 of the total callers received the information they needed without speaking to a Client Services Officer. Client Services Officers in Winnipeg responded to the remaining 49,872 calls. Phone call statistics do not include calls received by Residential Tenancies Branch Officers on specific cases. In addition to the phone calls for information, approximately 8,287 people came to Branch offices to request information. The Branch also responded to 4,019 e-mail inquiries in 2009.

Speaking Engagements

In 2009, staff of the Residential Tenancies Branch made 57 presentations for 1,258 tenants and held 17 sessions for 496 landlord participants. The Branch made 13 presentations for student groups involving 455 participants and 34 sessions for 635 service providers including the Winnipeg Police Services, Immigrant and Refugee Community Organization of Manitoba Inc., Dakota Ojibway Child and Family Services, Winnipeg Regional Health Authority, Manitoba Housing Authority, West Broadway Development Corporation, North End Community Renewal Corporation, All Nations Coordinated Response and various government departments.

The Branch also had information booths at the Northern Association Community Councils Conference, the Seniors Housing and Lifestyles Expo, Manitoba Bar Association's Law Day Open House, the University of Manitoba's Orientation and Training Week, Rotary International Career Symposium, and the Professional Property Managers Association's "Suite Living". Staff had the opportunity to speak with approximately 1,500 people at these displays.

Website

The Residential Tenancies Branch's website @ www.manitoba.ca/rtb provides answers to several frequently asked questions. The information is available in English and French. The website had 190,264 visits (logons) from January 1, 2009 to December 31, 2009. The website features the following:

- *Legislation*

The website has links to *The Residential Tenancies Act*, *The Life Leases Act* and *The Condominium Act* and the regulations for each Act.

- *Forms*

Landlords and tenants can download the most commonly used residential tenancy forms. The forms include regulation forms as well as the claim and application for an order of possession forms. Landlords can complete Notice of Rent Increase

and Notice to New Tenant forms on-line and submit to the Branch electronically. The electronic method saves mailing costs, speeds delivery times and helps the Branch process forms faster.

○ *Renting 101*

During 2009, the Branch added "Renting 101" to its website. This new feature is geared to younger renters, who might be looking for their first apartments or who have concerns about their first rentals. The site provides useful information on renters' rights and responsibilities, what to look for and how to go about renting a unit, as well as information on how to properly end a lease or tenancy. The Renting 101 information will also be used by Residential Tenancies Branch staff who are doing presentations to young people at high schools, colleges and universities.

○ *Security Deposits*

The website has an automated security deposit interest calculation feature. A webpage also informs tenants about unclaimed monies. If a landlord owes a security deposit to a tenant whose whereabouts is unknown, the landlord must send the money to the Branch. The Branch also holds rent overpayments that have been recovered on a tenant's behalf. If a tenant believes they are entitled to money that the Branch may be holding, they can check online. The tenant can also download and print an application for the refund of the money. Tenants who do not have internet access can still get the information by phone or in person.

○ *Orders System*

The Orders System provides information on the orders issued by the Branch and the Residential Tenancies Commission, except for rent regulation orders. Clients can access the system by:

- paying an annual subscription fee of \$250.00 and receiving a password; or
- paying a fee to search on-line at Branch offices; there is a \$5.00 charge for each 30 minute search.

Users can search the system by landlord or tenant name or by the address of a residential complex. Searches can also be done based on the type of order (e.g. security deposit, repair) or by topic (e.g. carpets, rent arrears). In 2009, there were 6,526 searches using the on-line Orders System.

- *Policies & Procedures Guidebook*

The Branch has a Policies & Procedures Guidebook, available in both English and French, to assist landlords, tenants and staff. As changes occur to legislation or policy, the guidebook is updated accordingly. The guidebook provides information on those areas not specifically dealt with in *The Residential Tenancies Act*. It also sets out the procedures for how the Branch handles most of the issues landlords and tenants refer to the Branch. The guidebook has 13 sections on topics like: security deposits, rent regulation, mediation, hearings and repairs. The Branch offered copies of the guidebook to various landlord and tenant organizations, all major libraries in the province as well as to local universities and colleges.

Branch Newsletter

In 2009, the Branch produced four issues of "Open Doors", its quarterly newsletter. The newsletter provides information on changes to the legislation or Branch procedures and includes articles on topics of interest to landlords and tenants. Anyone interested in receiving the newsletter can add their name to the mailing list by calling the Branch or visiting the Branch's website. The Branch has approximately 1,700 people on its mailing list. The Branch distributes an additional 1,000 copies of the newsletter to various public libraries as well as libraries at educational institutions. Clients can choose to receive the newsletter by mail or e-mail. The newsletter is also available on the website.

TABLE 5
INFORMATION STATISTICS

	<u>January 1, 2008 – December 31, 2008</u>	<u>January 1, 2009 – December 31, 2009</u>
Total Calls for Information ₁		
Winnipeg	61,631	58,600
Brandon	2,085	2,345
Thompson	<u>4,023</u>	<u>4,145</u>
Total	67,739	65,090
Interviews ₂		
Winnipeg	4,281	6,727
Brandon	1,656	1,548
Thompson	<u>21</u>	<u>12</u>
Total	5,958	8,287
E-mail Requests for Information	2,950	4,019
Website visits	123,048	190,264

1. These figures reflect the number of calls for information received through the Branch general information lines and do not include an additional 40,000 – 50,000 calls made directly to Residential Tenancies Officers.
2. This statistic represents the number of interviews conducted where the client received information only and a formal case was not opened.

EDUCATION ACTIVITIES

	<u>January 1, 2008 – December 31, 2008</u>		<u>January 1, 2009 – December 31, 2009</u>	
Speaking Engagements for:	Sessions	Attendance	Sessions	Attendance
Tenants	50	1,133	57	1,258
Landlords	16	473	17	496
Students	15	275	13	455
Service Providers	30	415	34	635
Total	111	2,296	121	2,844
Educational Displays	6	1,745	6	1,500

SECURITY DEPOSIT COMPENSATION FUND

When a landlord owes a former tenant certain money, but cannot locate the tenant, *The Residential Tenancies Act* requires the landlord to send the money to the Branch. This happens when a landlord:

- holds all or part of a security deposit and has no claim against the money;
- has overcharged a tenant rent and must refund the money;
- holds excess proceeds from the authorized sale of a tenant's abandoned personal property.

The Branch holds these monies for two years. During that period, tenants can ask the Branch for any money owed to them. After two years the Branch transfers any unclaimed money to the Security Deposit Compensation Fund. During 2009, \$63,474.71 was transferred into the fund after the two year period. The purpose of the fund is to return security deposits to tenants who are entitled to the money. Sometimes when the Branch orders a landlord to return a deposit to a tenant, the landlord does not comply with the order. The Branch will usually enforce the order by redirecting rent to recover the outstanding deposit. However, in some cases, redirecting rent is not possible, for example, if the landlord no longer owns rental property or owes money to several creditors. If the Branch does not believe it can recover the deposit within a reasonable period of time, it may pay the tenant from the fund. In 2009, \$2,400.52 was paid to six tenants.

After the money is paid to a tenant, the Branch continues to try to recover the money from the landlord through rent redirects, garnishing orders and the Canada Revenue Agency's set-off program. During this reporting period, the Branch recovered \$54.13.

Under Section 36(4) of *The Residential Tenancies Act*, when the balance in the Security Deposit Compensation Fund exceeds \$30,000, the Branch may use the excess funds

towards the cost of providing educational programs for landlords, tenants and other clients. In 2009, the Branch spent \$35,891.41 for that purpose. This included the Branch's newsletter, landlord/tenant information displays and brochures, and the Branch's share of the 2009 "Protect Yourself" calendar. The balance in the fund at the end of 2009 was \$132,295.24.

TABLE 6

SECURITY DEPOSIT COMPENSATION FUND ACCOUNTING SUMMARY

Balance as of January 1, 2009	\$107,058.33
Monies transferred into Fund ¹	63,474.71
Less: Monies paid to tenants to satisfy security deposit orders	(2,400.52)
Monies recovered from landlords through enforcement ²	<u>54.13</u>
	<u>168,186.65</u> ³
Less: Expenditures for educational purposes ⁴	(35,891.41)
Balance as of December 31, 2009	\$132,295.24

1. These funds were held by the Branch for two years from the date of receipt and include unclaimed security deposits, rent refunds and property sale proceeds.
2. The Branch recovered this money through rent redirects, garnishing orders and the Canada Revenue Agency's set-off program.
3. Section 36(4) of *The Residential Tenancies Act* states that when the balance in the Security Deposit Compensation Fund exceeds \$30,000, the excess may be used to contribute towards the cost of providing educational programs for landlords, tenants and the public.
4. Expenditures: newsletter, landlord/tenant information displays and brochures, the Branch's share of the 2009 "Protect Yourself" calendar.

